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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,584	07/02/2001	Roger Kent	38148/26437	2903

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EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,584

Applicant(s)

KENT ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,35-54,56-58 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,35-54,56-58 and 66-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 13 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 47-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 47, line 3, it is unclear as to whether the 'ball valve' is in addition to that of claim 39, line 4 or one in the same.

Claim 48, line 3, it is unclear as to whether the 'manually operable indicator' is in addition to that of claim 39, line 7 or one in the same.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 3, 35-38 and 47-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesco et al. in view of Davis, Kochanowicz et al. and Huffman.

Lesco et al. discloses a similar carpet-cleaning machine however fails to disclose the valve being a ball valve or an indicator.

Lesco et al. discloses a dual mode-cleaning machine with a selection mechanism to select between a deep cleaning and a surface-cleaning mode (col. 1, lines 50-59 and col. 3, lines 10-20).

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Lesco et al. discloses the selection mechanism having a valve with a first and second position (col. 8, lines 25-35). Kochanowicz et al. discloses the use of a ball valve in a fluid distribution system (page 5, #9). It would have been obvious to one of ordinary skill in the art to provide the ball valve of Kochanowicz et al. in Lesco et al. to allow for instantaneous switching from one position to the other.

Lesco et al. discloses the selection mechanism having an actuator attached to the valve to move it from the first to the second position (col. 3, lines 10-54).

Huffman discloses a carpet-cleaning machine having an indicator for informing an operator the flow rates of the fluid (abstract). It would have been obvious to one of ordinary skill in the art to provide the indicator of Huffman in Lesco et al. in view of Kochanowicz et al. to allow an operator to visually view the fluid flow.

Lesco et al. discloses a solution pump outlet in fluid communication with the valve (col. 7, line 61-col. 8, line 2).

Lesco et al. discloses two sets of nozzles in communication with the valve (col. 8, lines 2-8).

Davis discloses the use of a single valve to select between ^{two} nozzles in a carpet cleaning machine (fig. 1, #67,41,41a). It would have been obvious to one of ordinary skill in the art to combine the multiple valves of Lesco et al. into the single valve of Davis to allow for a simpler fluid distribution system.

With respect to claims 35-38, it would have been obvious to one of ordinary skill in the art to determine the most appropriate nozzle properties in Lesco et al. in view of Kochanowicz et al. and Huffman to allow for the most effective fluid distribution on a surface to be cleaned.

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With respect to claim 47, Lesco et al. discloses the selection mechanism including a valve moveable between two positions, one position in communication with the first jet tip and the second position in communication with the second jet tip (col. 8, lines 2-8 and 25-35).

Kochanowicz et al. discloses the use of a ball valve in a fluid distribution system (page 5, #9). It would have been obvious to one of ordinary skill in the art to provide the ball valve of Kochanowicz et al. in Lesco et al. in view of Huffman and David to allow for instantaneous switching from one position to the other.

With respect to claim 48, it would have been obvious to one of ordinary skill in the art to determine the most appropriate valve actuation means in Lesco et al. to allow an operator to be sure that the valve has been actuated.

With respect to claim 49, Lesco et al. discloses a first conduit in communication with the first tip and a second conduit in communication with second tip (col. 8, lines 2-5, fig. 1, #30,32,22,21).

With respect to claim 50, Lesco et al. discloses a spray nozzle chamber on the support housing having an interior volume with the tips located therein (fig. 1, #4,10, col. 8, lines 2-5).

With respect to claim 51, Lesco et al discloses the source of liquid being a solution tank (col. 2, line 43).

With respect to claim 52, Lesco et al. discloses a source of vacuum pressure on the housing (col. 2, lines 52-55). Lesco et al. discloses a vacuum nozzle in communication with the source of vacuum pressure and positioned adjacent the brush (fig. 1, #12).

With respect to claim 53, Lesco et al. discloses a liquid recovery tank on the support housing, in communication with the source of vacuum pressure and the vacuum nozzle (fig. 1, #14).

5. Claims 39-46, 54, 56-58 and 66-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesco et al. in view of Huffman and Davis.

Lesco et al. discloses a similar carpet cleaning machine however fails to disclose the selection mechanism to select between a first or a second nozzle or an indicator.

Lesco et al. discloses a dual mode-cleaning machine with a selection mechanism to select between a deep cleaning and a surface-cleaning mode (col. 1, lines 50-59 and col. 3, lines 10-20).

Huffman discloses a carpet-cleaning machine having an indicator for informing an operator the flow rates of the fluid (abstract). It would have been obvious to one of ordinary skill in the art to provide the indicator of Huffman in Lesco et al. to allow an operator to visually view the fluid flow.

Lesco et al. discloses a support housing with the selection mechanism on the support housing (fig. 1, #2).

Lesco et al. discloses a source of liquid on the housing (fig. 1, #8).

Lesco et al. discloses first and second liquid discharging jet tips (col. 8, lines 1-8).

Davis discloses the use of a single valve to select between two nozzles in a carpet cleaning machine (fig. 1, #67, 41, 41a). It would have been obvious to one of ordinary skill in the art to

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combine the multiple valves of Lesco et al. in view of Huffman into the single valve of Davis to allow for a simpler fluid distribution system.

With respect to claim 40, Lesco et al. discloses the tips having different liquid discharge flow rates (col. 8, lines 5-8 and col. 6, lines 30-37).

With respect to claim 41, Lesco et al. discloses a first conduit in communication with the first tip and a second conduit in communication with second tip (col. 8, lines 2-5, fig. 1, #30,32,22,21).

With respect to claim 42, Lesco et al. discloses a spray nozzle chamber on the support housing having an interior volume with the tips located therein (fig. 1, #4,10, col. 8, lines 2-5).

With respect to claim 43, Lesco et al. discloses a brush mounted on the support housing adjacent the spray nozzle chamber (fig. 1, #6).

With respect to claim 44, Lesco et al. discloses a source of vacuum pressure on the housing (col. 2, lines 52-55). Lesco et al. discloses a vacuum nozzle in communication with the source of vacuum pressure and positioned adjacent the brush (fig. 1, #12).

With respect to claim 45, Lesco et al. discloses the source of liquid being a solution tank (col. 2, line 43).

With respect to claim 46, Lesco et al. discloses a liquid recovery tank on the support housing, in communication with the source of vacuum pressure and the vacuum nozzle (fig. 1, #14).

With respect to claim 54, Lesco et al. discloses a support housing with the selection mechanism on the support housing (fig. 1, #2). Lesco et al. discloses a source of liquid on the housing (fig. 1, #8). Lesco et al. discloses a spray nozzle chamber on the support housing with

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the ability to discharge fluid at different flow rates (fig. 1, #4,10, col. 8, lines 2-8 and col. 6, lines 30-37). Lesco et al. discloses a first conduit in communication with the valve in the first position and a second conduit in communication with the valve in the second position (col. 8, lines 2-5, fig. 1, #30,32,22,21). Davis discloses first and second conduits communicating with the valve and nozzles (fig. 1, #67,41,41a).

With respect to claim 56, Lesco et al. discloses a source of vacuum pressure on the housing (col. 2, lines 52-55). Lesco et al. discloses a vacuum nozzle in communication with the source of vacuum pressure and positioned adjacent the brush (fig. 1, #12).

With respect to claim 57, Lesco et al. discloses a liquid recovery tank on the support housing, in communication with the source of vacuum pressure and the vacuum nozzle (fig. 1, #14).

With respect to claim 58, Lesco et al. discloses the source of liquid being a solution tank (col. 2, line 43).

With respect to claim 66, Lesco et al. discloses a support housing (fig. 1, #2). Lesco et al. discloses an application and extraction section (fig. 1, #4). Lesco et al. discloses a storage section (fig. 1, #8). Lesco et al. discloses a removal section (fig. 1, #14).

With respect to claim 67, Lesco et al. discloses a vacuum nozzle (fig. 1, #12). Lesco et al. discloses a brush (fig. 1, #6). Lesco et al. discloses a motor connected to the brush (col. 7, lines 52-60).

With respect to claim 68, Lesco et al. discloses a solution pump (col. 7, lines 61-65). Lesco et al. discloses a solution tank (col. 2, line 43).

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With respect to claim 69, Lesco et al. discloses a vacuum pump (col. 2, lines 52-55). Lesco et al. discloses a vacuum head in communication with the vacuum pump (fig. 1, #12). Lesco et al. discloses a removal conduit in fluid communication with the vacuum pump intake (col. 2, lines 51-52). Lesco et al. discloses a waste recovery tank in communication with the vacuum exhaust (fig. 1, #14).

Response to Arguments

6. Applicant's arguments with respect to claims 3, 35-58 and 66-69 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

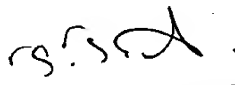
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


THERESA T. SNIDER
PRIMARY EXAMINER

Theresa T. Snider
Primary Examiner
Art Unit 1744

TTS